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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

ORIGINAL

In the Matter of

Amendment of Part 97 of the
Commission's Rules to Eliminate
Certain One-Way Communications in
the Amateur Radio Service Medium
and High Frequency Bands

RM No. _____

DOCKET FILE COPY ORIGINAL

To: The Commission

PETITION FOR RULEMAKING

Frederick O. Maia, by his counsel, requests that the Commission amend Part 97 of its rules to eliminate the provisions which permit Amateur Radio Service stations to transmit one-way information bulletins and international Morse code practice below 30 MHz. Such transmissions do not comport with normal operating practices and, in 1995, they have outlived their usefulness.

The Petitioner

Mr. Maia holds an Amateur Extra Class operator license. His first Amateur station license was issued nearly forty years ago. Besides his life-long interest in Amateur Radio as a hobby, Mr. Maia is committed to serving the Amateur Radio Service through several related activities.

Mr. Maia's newsletter, The W5YI Report, was begun in 1978 and is the nation's oldest Amateur Radio newsletter.

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When the FCC sought to privatize the license examination function, Mr. Maia was the first to step forward to become a Volunteer-Examiner Coordinator (VEC) on a nationwide basis. The W5YI-VEC was appointed in 1984.

Mr. Maia is devoted to growth in the Amateur Radio Service and the advancement of its members. Mr. Maia was one of the proponents of an entry level license not requiring Morse telegraphy proficiency. The creation of such a license by the FCC in 1991 has led to significant growth in the Service not only at the VHF/UHF frequency level but at the HF level as well. Mr. Maia is also a source of training materials for Amateur Radio enthusiasts. Mr. Maia has filed comments and petitions in several FCC rule making proceedings.

The Need for a Rule Change

Mr. Maia is concerned about one-way communications in the Amateur Service high frequency (hf) bands on two levels. First, as a licensed Amateur Radio operator, he is personally distressed at the level of anger that now exists on these bands. This anger is primarily caused when one-way, broadcast-type transmissions interrupt two-way communications that are already in progress. This anger is manifested by deliberate attempts to interfere with or "jam" the one-way transmissions.

Second, he is especially concerned about the impact that this anger and the resulting malicious interference has on relatively new amateurs who are increasingly upgrading their Technician VHF Amateur operator licenses to include the long range high frequency operation. The reckless intrusion into on-going conversations and the animosity that these one-way communications engender on the congested HF bands is setting a very bad example to newcomers and is contributing to a general deterioration in the quality of communications in the HF Amateur Service bands.

Permissible One-Way Transmissions

The international law defines the Amateur Service as "A radiocommunication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs...." Article 32 of the international Radio Regulations refers to "Radiocommunications between amateur stations..." in other words, two-way exchanges of messages or information between Amateur stations are the worldwide norm, as contrasted to one-way "broadcast-type" transmissions.

In the United States, Amateurs generally conduct two-way communications as stated in Section 97.111(a) of the Commission's Rules. There are, however, certain exceptions contained in Section 97.111(b), which permit

one-way transmissions to assist in the learning of the international Morse code and the dissemination of information bulletins.

Section 97.3(a)(23) defines an information bulletin as "A message directed to amateur operators consisting solely of subject matter of direct interest to the amateur service." This is a very permissive category and and taken in its broadest context, permits just about anything to be transmitted that is even remotely associated with the Amateur Service.

A Pattern of Growing Abuse

Over the years certain stations have become so-called "bulletin stations," transmitting one-way broadcast-type programs on the 75/80, 40 and 20 meter bands and other hf bands as well. Although bulletins and code practice are the exceptions and not the rule, these bulletin stations regularly broadcast on scheduled frequencies regardless of any on-going two-way communications. They are abusing the privilege. The many are suffering at the hands of the few.

The rules clearly state that "...licensees must cooperate in selecting transmitting channels..." and "No frequency will be assigned for the exclusive use of any station." (See 97.101(b)) Yet bulletin stations

recklessly go on the air on "their" frequencies at "their" scheduled times without the mandated "cooperation" and without observing the most fundamental of operating practices, namely, to monitor the frequency for use before transmitting. The proliferation of these stations has caused chaos in the amateur community that has now reached crisis proportions.

A cornerstone of the Amateur Service is its "...unique ability to enhance international goodwill." The high frequency band has world-wide range and the image of United States Amateurs is being badly tarnished by this on-going tirade.

Argument

There was a time in the history of the Amateur Radio Service when the benefit to be derived from permitting occasional one-way broadcasts on hf bands outweighed the negative impact of operations of this type on ordinary communications. That time has now passed.

Today there are plenty of other methods of communicating general information to Amateurs, including Amateur vhf packet networks, on-line computer services such as CompuServe, Prodigy, America Online and the World Wide Web pages of the Internet. Similarly, code practice is now easily accomplished via software training and

simulation programs.

The increasingly crowded conditions on the hf bands and the ready availability of alternative techniques for code practice and information dissemination have now tipped the scales against the continued operation of bulletin stations on hf. Bulletin stations particularly impact hf operations because of the propagation characteristics of these bands. Simply put, the usefulness of hf bulletin stations no longer outweighs their detriments. They have always been the exception and not the rule and now they should be prohibited for the greater good of the Service.

Conclusion

A major aim of many amateurs is long range communication or "working DX" as it is called. A second popular amateur activity on the hf bands is leisure communications or "rag chewing." The third widespread pursuit is participating in round-table communications about a specific interest or "networks."

None of these activities is compatible with broadcast-type bulletin or code practice stations that come on an occupied channel without first determining if the frequency is already in use. Such stations have outlived their usefulness to the Amateur Radio Service

and should now be prohibited in the hf bands.

Suggested Rule Changes

The following rules, which authorize one-way information bulletin and Morse code practice transmissions as exceptions to the general requirement for two-way communications, should be amended to state:

Section 97.111

* * *

(b) In addition to one-way transmissions specifically authorized elsewhere in the Part, an amateur station may transmit the following types of one-way communications:

* * *

(5) Transmissions necessary to assisting persons learning or improving proficiency in, the international Morse code. Such transmissions must be confined to frequencies above 30 MHz.

(6) Transmissions necessary to disseminate information bulletins. Such transmissions must be confined to frequencies above 30 MHz; and

* * *

The following rule, which permits control operators of club stations to accept compensation should be amended to state:

Section 97.113

* * *

(d) The control operator of a club station may accept compensation for the periods of time when the

station is transmitting telegraphy practice or information bulletins, provided, however, that such telegraphy practice and/or information bulletins may only be transmitted in the amateur bands above 30 MHz.

Respectfully submitted,
Frederick O. Maia, W5YI

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